

## **REMARKS/ARGUMENTS**

### **I. STATUS OF THE PENDING CLAIMS**

Claims 11-23, 25-31, 33, 34 and 36-39 are pending in the present application and stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,411,686 to Hata (“Hata”). Applicants respectfully traverse the rejections and request reconsideration of the pending claims.

### **II. SUMMARY OF PROSECUTION HISTORY**

After twice rejecting the present application over U.S. Patent No. 5,470,218 to Hillman et al., the rejection was withdrawn in an Office Action dated July 11, 2006. The July 11, 2006 Office Action rejected the pending claims only under 35 U.S.C. § 112 and indicated that at least some of the claims would be allowable if rewritten or amended to overcome the § 112 rejection. In an amendment filed on October 11, 2006, Applicants amended the claims to overcome the § 112 rejection. In an Office Action dated December 29, 2006, however, all pending claims were rejected over U.S. Patent No. 6,514,440 to Kazmer et al., a reference never before cited yet which issued more than one year prior to the filing of the present application. The most recent Office Action, although withdrawing the rejection over Kazmer, again rejects all pending claims over another reference, Hata, never before cited yet which issued more than one year prior to the filing of the present application.

### **III. REJECTIONS UNDER 35 U.S.C. § 102(b)**

Claims 11-23, 25-31, 33, 34 and 36-39 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Hata. Applicants respectfully submit that these rejections are traversed on the basis of the following arguments.

A rejection of claims as anticipated under 35 U.S.C. § 102(b) requires a showing that the applied reference identically discloses each and every claim limitation. If even one claim limitation is not disclosed in the reference, the claim is patentable over the reference.

Overall, the Office Action only addresses the limitations of claims 11-17 while ignoring the particular limitations of the remaining pending claims. The Office Action groups claims together that do not necessarily share the same limitations. For example, the Office Action rejects claims 11 and 25 on the same grounds (i.e., on the basis of the limitations of claim 11) even though claim 25 includes limitations entirely different than those found in claim 11, i.e., a first and second computer program executed in parallel.

Even the limitations actually addressed by the Office Action are not disclosed by Hata. For example, Hata does not disclose a control that acquires actual values of a process variable and then transmits those actual values to a computer for monitoring the control. The portions of Hata relied on in the Office Action for disclosing these limitations, found in at least claim 11, refer either generally to method steps for measuring different temperatures or to temperatures measured by sensors (not by a *control*) and “applied” to a computer system. Neither general references to method steps nor a vague indication that measurements obtained by sensors are “applied” to a computer can disclose these particular limitations. Specifically, that measurements obtained by sensors may be “applied” to a computer system does not teach or suggest that the measurements are transmitted to a computer system by a *control* that acquired the measurements.

In addition, the systems and methods of Hata do not relate to *actual* values, an explicit requirement of every pending claim. Rather, Hata apparently describes temperatures measured over a period of time, i.e., over at least one molding cycle. Therefore, by the time processing is performed, the values do not represent the *actual* temperatures. Indeed, Hata describes the calculation of “characteristic quantities” based on values at previous points in time during the molding cycle, such as at the start of injection or when the maximum temperature occurs. For example, the temperature at the start of injection is compared to some predetermined standard temperature to judge whether predictive control is necessary. None of these examples from Hata teach or suggest *actual* temperature values.

Further, Hata does not disclose the calculation of a setpoint value based on evaluated transmitted actual values, a limitation of every pending claim. The Office Action points to a

target coolant temperature used for holding a mold temperature constant as disclosing the setpoint value limitation. The target coolant temperature of Hata cannot disclose this limitation, however, because the target coolant temperature is not determined based on the evaluation of any *actual* values. Moreover, Hata even contemplates that the target coolant temperature may be obtained in advance. It also cannot disclose this limitation as claimed in at least independent claim 11, i.e., the setpoint value comprising temperature *variations*, etc., because a single target coolant temperature for keeping a mold temperature constant cannot be said to teach or suggest a setpoint value comprising temperature *variations*.

Also, nothing in Hata teaches or suggests that either (i) input from an operator is sent to a control *virtually in parallel* with the execution of a monitoring procedure, a limitation of at least claim 12, or (ii) output is sent to an operator *virtually in parallel* with the execution of a monitoring procedure, a limitation of at least claim 13. The passages of Hata cited in the Office Action do not disclose these limitations. Instead, Hata apparently describes a technician reading data after it has been printed out by a printer. Because temperature values would need to be measured and analyzed before the data is printed, the mere printing of such data necessarily cannot disclose the sending of output to an operator *virtually in parallel* with the execution of the monitoring procedure. As for operator input, Hata merely describes a situation in which a technician manually calculates certain quantities and inputs them into a computer system. Such an example discloses nothing about sending operator input to a control *virtually in parallel* with a monitoring process. Moreover, nothing in Hata even suggests that the operator input is sent to the control.

Finally, other limitations found in the claims of the present application are also not found in Hata. For example, nothing in Hata describes an operating system comprising non-real-time capabilities, a limitation found in at least claims 14 and 15. Further, nothing in Hata describes a control comprising a software process, where the software process is executed by a computer under an operating system comprising real-time capability, limitations found in at least claim 16. (Instead, the Office Action merely cites an equation for a resin set temperature that may be calculated by a technician or a computer.)

For these reasons, claims 11-23, 25-31, 33, 34 and 36-39 are respectfully submitted to recite allowable subject matter.

**CONCLUSION**

Claims 11-23, 25-31, 33-34 and 360-39 are pending in the application. Applicants submit that these pending claims, for the reasons set forth above, recite patentable subject matter and are in condition for allowance. Reconsideration and allowance are therefore respectfully requested.

The Commissioner is authorized to charge the fee for a one-month extension of time, as well as any additional required fee, to Deposit Account No. 23-1703.

Dated: October 3, 2007

Respectfully submitted,

/Christopher C. Carnaval/

Christopher C. Carnaval  
Reg. No. 58,992  
Attorney for Applicant

Customer No. 007470  
White & Case LLP  
Direct Line: (212) 819-8366